

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TROY D. WHITMORE,

Plaintiff,

v.

LIEUTENANT WALKER, et al.,

Defendants.

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Civil No. **04-837-JPG**

ORDER

PROUD, Magistrate Judge:

Before the court is Plaintiff's Motion to Deny Defendants' Motion for Enlargement of Time, construed as a Motion to Reconsider. (**Doc. 103**).

On June 12, 2008, the court granted Defendants' Motion for Enlargement of Time to File a Motion for Summary Judgment. **See, Doc. 102.** The effect of this order was to extend the dispositive motion deadline by fifteen days, to July 3, 2008.

Plaintiff objects to the extension because defendants have already filed a motion for summary judgment, which has been denied. Plaintiff argues that it would be contrary to judicial economy and would raise issues of estoppel to allow a second motion for summary judgment.

Plaintiff's argument ignores the fact that the first motion for summary judgment raised only issues of exhaustion of administrative remedies and qualified immunity. The original scheduling order contemplated that dispositive motions would be filed in two stages. **See, Doc. 40.** The short extension of the deadline does not unduly prejudice plaintiff, while the prejudice that would result to defendants from denying the extension would be great.

Upon consideration and for good cause shown, plaintiff's Motion to Reconsider (**Doc.**

103) is DENIED.

The dispositive motion deadline remains **July 3, 2008.**

IT IS SO ORDERED.

DATE: June 18, 2008.

s/ Clifford J. Proud
CLIFFORD J. PROUD
UNITED STATES MAGISTRATE JUDGE